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1 VOL. I, PAGES 1 - 66
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3 UNITED STATES DISTRICT COURT
4 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
5 CIVIL ACTION NO. 99CV2668 H (AJB)

6
7 GEN-PROBE, INCORPORATED

8 Plaintiff

9 v.

10 VYSIS, INC.

11 Defendant

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15 Deposition of Alan E. Smith, Ph.D.

16 Thursday, May 17, 2001

17 Genzyme Corporation

18 One Kendall Square

19 Cambridge, Massachusetts

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21 Reporter: Deborah Roth, RPR

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:01:07 1 A. I don't specifically recall seeing it
:01:07 2 before.

:01:08 3 Q. Did you generally receive, either prior to
:01:11 4 or at the meeting of the management committee or the
:01:14 5 partnership committee, a copy of an agenda?

:01:19 6 A. I don't recall.

:01:26 7 Q. On the first page of Exhibit 53 there's a
:01:30 8 list of topics and Topic No. 7 is patent strategy,
:01:34 9 with a presentation to be made by Dr. James
:01:37 10 Richards. Do you see that?

:01:38 11 A. Yes.

:01:39 12 Q. Can you recall Dr. Richards giving
:01:41 13 presentations on patents to the management committee
:01:44 14 or the partnership committee of Gene-Trak?

:01:51 15 A. Do I remember generally? Generally, yes.

:01:56 16 Q. Do you remember that Dr. Richards was
:01:59 17 Gene-Trak's director of business development and
:02:02 18 licensing?

:02:02 19 A. Yes.

:02:20 20 Q. Did Dr. Richards, when he made presentations
:02:23 21 on patents to the partnership committee, appear
:02:26 22 knowledgeable with respect to the technology he
:02:27 23 discussed?

:02:34 24 A. Did he appear knowledgeable? I think the

:02:36 1 answer is yes.

:02:36 2 Q. I'm sorry?

:02:37 3 A. He appeared knowledgeable. My recollection
:02:40 4 is that he appeared knowledgeable.

:02:42 5 Q. Did he seem to have an understanding of
:02:45 6 nucleic acid hybridization technologies, to you?

:02:48 7 A. To me at the time?

:02:49 8 Q. Yes.

:02:50 9 A. Yes.

:03:04 10 Q. I would like you to look at what has been
:03:07 11 previously marked as Exhibit 56, which appears to be
:03:12 12 an agenda for a partnership committee meeting on
:03:14 13 June 11, 1987.

:03:17 14 Would you look at that agenda so that
:03:20 15 you can tell me whether or not you've seen it
:03:23 16 before.

:04:04 17 A. I don't specifically remember seeing this
:04:06 18 before.

:04:09 19 Q. Do you think it's likely that you received a
:04:11 20 copy of Exhibit 56 in June 1987?

:04:15 21 MR. LIPSEY: I object to the form.

:04:19 22 A. I don't recall.

:04:23 23 Q. I would like you to look on the first page
:04:25 24 of Exhibit 56. Topic 3 under the sub-heading